IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

WP(C).No. 29323 of 2006(N)

PETITIONER:

M/S.STAR TRADERS,
A PROPRIETORY CONCERN FUNCTIONING IN THE ADDRESS,
X/171, MUNDOOR P.O., THRISSUR, REP. BY ITS
PROPRIETOR SATHEESH P.V., AGED 30, S/O.LATE VASU,
PERINCHERYKALAM HOUSE, KOSAVANCODE, THATHAMANGALAM
P.O., PALAKKAD DISTRICT.

BY ADV. SRI.P.R.VENKITESH
SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
THRISSUR,
COLLECTORATE, AYYANTHOLE, THRISSUR.

2. THE TALUK SUPPLY OFFICER,
KODUNGALLUR, THRISSUR DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
KODUNGALLUR POLICE STATION,
THRISSUR DISTRICT.

4. THE STATE OF KERALA,
REP. BY THE SECRETARY TO THE GOVERNMENT,
CIVIL SUPPLY DEPARTMENT, THIRUVANANTHAPURAM.

ADDL.R5. SHAJAHAN V.Y. S/O.YACOB,
VALLAPPARAMBIL HOUSE, KODUNGALLOOR.

(ADDL.R5 IMPLEADED AS PER ORDER DATED 12/12/06 IN IA 16735/06)

BY ADV. SRI.PHILIP T.VARGHESE
GOVERNMENT PLEADER SRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.29323/06

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: A TRUE COPY OF THE BILL RAISED BY THE petitioner DATED 28.09.06.

EXT.P2: TRUE COPY OF THE SEIZURE MAHASSOR PREPARED BY THE THIRD RESPONDENT IN CRIME 603/06 DATED 28.09.06.

EXT.P3: TRUE COPY OF THE ORDER PASSED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT,KODUNGALLUR IN CMP NO.7936/06 IN CRIME 603/06 OF THE KODUNGALLUR POLICE DATED 5.10.06.

EXT.P4: A TRUE COPY OF THE ORDER PASSED BY THE FIRST RESPONDENT DATED 3/10/06.

EXT.P5: TRUE COPY OF THE MAHASSOR PREPARED BY THE SECOND RESPONDENT DATED 5/10/06.

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 29323 OF 2006
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Dated this the 4th day of September, 2007

J U D G M E N T

The prayer sought for in this writ petition is to quash Exhibits P4 and P5 and to direct the respondents to release 220 bags of wheat, which has been seized under the provisions of Essential Commodities Act. Ext.P4 discloses that such seizure took place on 28/9/06. It is submitted by the learned counsel for the petitioner that the wheat was confiscated and thereafter the same has been disposed of by the District Collector and that the amount has been deposited in the revenue account. In view of the disposal of the wheat which has been confiscated, what remains is finalisation of the proceedings which are now pending before the District Collector.

2. In the meantime, the additional 5th respondent

also has got impleaded in this writ petition. According to him, there is a collision between the authorised wholesale dealer and the petitioner. According to him, this is a case where the wheat meant for public distribution system has been diverted for unauthorised purposes. Be that as it may, this is an issue which is to be considered by the District Collector, before whom the proceedings are now pending. Even going by the counter affidavit it is evident that the District Collector has not passed any final order in the matter.

3. Therefore, I dispose of this writ petition directing the 1st respondent to finalise the proceedings pending before him in pursuance to Ext.P4, as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this judgment. Before final orders are passed, petitioner and the additional 5th respondent shall be

given notice and both shall be given opportunity for hearing. I clarify that I have not dealt with the contentions raised by both parties.

With the above observations, this writ petition is disposed of.

ANTONY DOMINIC, JUDGE.

Rp